IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 2319 OF 2005
IN
WRIT PETITION NO. 5177 OF 1996

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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Smt. Anjali N. Helekar for the applicant.

Mrs. Poonam Bhosale for the respondent.

CORAM: P.V. KAKADE, J.

DATED: 13TH JANUARY, 2006

P.C.:

1. Heard both sides.

2. The application is filed with two-fold request, namely, seeking direction to the respondent to remove the corrugated sheets in the passage leading to the room of the applicant at the back side of the suit premises; and, in the alternative, to fix the peremptory date of final hearing of the writ petition of the year 1996.

3. On perusal of the record including the photographs, it is apparent that the passage adjacent to the suit premises is blocked with scrap articles such as

discarded tyres, wooden blocks, etc. The advocate for the respondent submitted that those articles are not belonging to her client and, therefore, they have nothing to say on that aspect. In view of this position, the applicant would be justified to remove such articles which are blocking her way to her own premises. However, so far as the corrugated sheets are concerned, it would be a disputed fact and it would be decided at the final hearing of the petition.

4. In view of the facts and circumstances involved, the matter to be heard expeditiously and to be put up for final hearing in the month of March, 2006.

With this direction, the application stands disposed of with no order as to costs.

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